Supreme Court, U.S.
FILED
MAR 6 - 2015
OFFICE OF THE CLERK

Nos. 14-556, 14-562, 14-571, 14-574

In the Supreme Court of the United States

JAMES OBERGEFELL, *et al.*, *Petitioners*,
v.
RICHARD HODGES, DIRECTOR, OHIO DEPARTMENT OF HEALTH, *et al.*, *Respondents*.

VALERIA TANCO, *et al.*, *Petitioners*,
v.
BILL HASLAM, GOVERNOR OF TENNESSEE, *et al.*, *Respondents*.

APRIL DEBOER, *et al.*, *Petitioners*,
v.
RICK SNYDER, GOVERNOR OF MICHIGAN, *et al.*, *Respondents*.

GREGORY BOURKE, *et al.*, *Petitioners*,
v.
STEVE BESHEAR, GOVERNOR OF KENTUCKY, *et al.*, *Respondents*.

On Writs of Certiorari to the United States Court of Appeals for the Sixth Circuit

AMICI CURIAE BRIEF OF 226 U.S. MAYORS; MAYORS FOR THE FREEDOM TO MARRY; U.S. CONFERENCE OF MAYORS; INT'L MUNICIPAL LAWYERS ASSOC.; NAT'L LEAGUE OF CITIES; CITIES OF LOS ANGELES, SAN FRANCISCO, CHICAGO, NEW YORK AND 36 OTHER CITIES IN SUPPORT OF PETITIONERS

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TABLE OF CONTENTS

TABLE OF AUTHORITIES iv

IDENTITY AND INTEREST OF *AMICI CURIAE* .. 1

SUMMARY OF ARGUMENT 3

ARGUMENT 5

I. DISCRIMINATORY MARRIAGE LAWS IMPAIR THE ABILITY OF MUNICIPALITIES TO TREAT THEIR RESIDENTS WITH DIGNITY AND RESPECT. 5

A. Municipalities know firsthand the importance of marriage to individual dignity, prosperity and social stability. .. 5

B. In states that deny same-sex couples the freedom to marry, municipalities offer costly workarounds and inferior substitutes to marriage. 10

1. "Grossing up" to make up for additional tax liabilities. 10

2. Domestic partnerships. 11

3. State pushbacks on municipalities' efforts. 14

C. Marriage discrimination hampers municipalities' economic growth and their ability to recruit and retain talented employees. 15

II. THE FREEDOM TO MARRY IS A FUNDAMENTAL RIGHT FOR EVERYONE, INCLUDING GAY MEN AND LESBIANS. 18

A. Municipalities have witnessed positive changes arising from their longstanding protections against sexual orientation discrimination, and recognizing the fundamental freedom to marry would bring about similar positive changes. . . . 18

B. Gay men and lesbians share the same fundamental right to marry recognized by this Court again and again. 20

C. In contrast to the positive changes in municipalities that openly recognize the dignity and respect owed to the gay and lesbian population generally, permitting gay people's freedom to marry to be withheld by popular vote injures and stigmatizes same-sex couples and undermines their dignity and ability to participate fully in society. 22

D. The Sixth Circuit's decision contravenes the respect and dignity municipalities owe their residents. 24

1. The problems the Sixth Circuit posits would arise in a society without marriage for heterosexual couples apply with equal force to the same-sex couples of today who must live without marriage. 25

2. The Sixth Circuit's willingness to make same-sex couples "wait and see" if their constitutional right to marry will eventually be recognized should not be accepted. 26

III. NON-RECOGNITION LAWS VIOLATE THE RIGHT TO TRAVEL OF SAME-SEX COUPLES BY TREATING THEM AS LEGAL STRANGERS AND INCREASING THEIR NEED FOR PUBLIC SERVICES UPON ENTRY INTO A DIFFERENT STATE 28

CONCLUSION 36

APPENDIX

Appendix A List of Amici . . . . . App. 1

TABLE OF AUTHORITIES

CASES

Atty. Gen. of N.Y. v. Soto-Lopez,
476 U.S. 898 (1986) 29

Bassett v. Snyder,
2014 U.S. Dist. LEXIS 159253 (E.D. Mich. Nov. 12, 2014) 15

DeBoer v. Snyder,
772 F.3d 388 (6th Cir. 2014) 3, 25, 26, 29, 35

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314 A.2d 255 (Pa. 1974) 29

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798 N.E.2d 941 (Mass. 2003) 6

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289 Conn. 135 (2008) 12, 13

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539 U.S. 558 (2003) 36

Loving v. Virginia,
388 U.S. 1 (1967) 3, 20, 21

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620 F.3d 170 (3rd Cir. 2010) 30

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43 Cal. 4th 757 (2008) 13, 23

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415 U.S. 250 (1974) 30

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732 N.W.2d 139 (Mich. Ct. App. 2007) 14, 15

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704 F.Supp.2d 921 (N.D. Cal. 2010) 6, 7, 8

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526 U.S. 489 (1999) 29, 36

Matter of Sebastian,
879 N.Y.S.2d. 677 (N.Y. Sup. Ct. 2009) 33

Shapiro v. Thompson,
394 U.S. 618 (1969) 29, 30

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661 S.E.2d 494 (Va. Ct. App. 2008) 32

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Troxel v. Granville,
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482 U.S. 78 (1987) 3, 20, 21

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133 S. Ct. 2675 (2013) 13, 34

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434 U.S. 374 (1978) 3, 20, 21

Zobel v. Williams,
457 U.S. 55 (1982) 36

CONSTITUTION AND STATUTES

2011 Mich. Pub. Acts, Act 297, § 15.583 15

Ky. Const. § 233A 14

Mich. Const. art. 1, § 25 14

Rev. Rul. 2013-17, 2013-38 IRB 201 (September 13, 2013) 34

CITY CODES AND RESOLUTIONS

City of Hallandale Beach Resolution No. 2014-140 10

City of Wilton Manors Resolution No. 2013-0069 . 10

L.A. Admin. Code § 4.404.1 19

L.A. Admin. Code § 4.404.2. 19

L.A. Admin. Code § 4.860 19

L.A. Admin. Code § 10.8.2 *et seq.* 19

L.A. City Charter § 104 19

L.A. City Charter § 501 19

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IDENTITY AND INTEREST OF *AMICI CURIAE*[1]

Amici Curiae[2] are 226 mayors and 40 cities from across the country, from states that have accorded the freedom to marry to all and those that have not. All Amici know firsthand the importance of marriage to their communities. Marriage makes the population healthier, more productive and economically successful, and all municipalities prosper when the right to marry is equally available to all who live within their borders.

Municipalities, as the level of government most closely connected to the community they serve, bear a great burden when a targeted sector of their populace is denied the right to marry. Amici attend to the daily needs of their populace: they provide police and fire services; they handle parks and recreation services, transportation, housing, and a broad range of other services. Some municipalities offer public health and emergency medical services, and family and child services. Under the leadership of mayors and governing bodies, municipalities create and enforce local laws and policies. They perform long-term planning and provide the vision for the future of the

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[1] No party nor counsel for a party authored this brief in whole or in part, and no person or entity, other than *amici curiae* or their counsel, made any monetary contribution to fund the preparation or submission of this brief. Respondents have filed blanket consents to the filing of amicus briefs with the Clerk, and Petitioners' letter of consent is filed concurrently with this brief.

[2] Amici, which also include the United States Conference of Mayors, Mayors for the Freedom to Marry, the International Municipal Lawyers Association, and the National League of Cities, are listed in the Appendix.

communities they serve. In performing these tasks, Amici have all seen the benefits that marriage brings to a community.

> "Marriages cement families, families build neighborhoods; strong neighborhoods create strong communities; strong communities make strong cities, and cities are the backbone of America." *Houston Mayor Annise D. Parker,* January 20, 2012.

When the freedom to marry is denied, municipalities are the first level of government to suffer the impact.

The amici cities have a long history of implementing local measures designed to ensure the fair and equal treatment of gay men and lesbians, and to provide a welcoming environment for visitors. The U.S. Conference of Mayors has adopted a resolution declaring its support for marriage equality for same-sex couples, and all attendant rights such as family and medical leave, tax equity, insurance and retirement benefits, and its opposition to the enshrinement of discrimination in the federal or state constitution.

Denying the freedom to marry is discrimination that undermines local efforts. Amici are united in urging this Court to reverse the Sixth Circuit and affirm the freedom to marry for all Americans.

SUMMARY OF ARGUMENT

The Sixth Circuit held that gay men and lesbians, unlike all other individuals, have no fundamental right to marry. *DeBoer v. Snyder,* 772 F.3d 388 (6th Cir. 2014). According to that court, whether or not this discrete group can marry should be left to the "usually reliable work of the state democratic processes." 772 F.3d at 396. That is, the freedom to marry – for gay men and lesbians but no others – should be placed "in the hands of the state voters." *Id.* at 403.

In an unbroken line of cases from *Loving v. Virginia,* 388 U.S. 1, 12 (1967) to *Zablocki v. Redhail,* 434 U.S. 374, 384 (1978) and *Turner v. Safley,* 482 U.S. 78, 99 (1987), this Court has held that the freedom to marry is a fundamental right. Amici ask this Court to expressly hold that this fundamental right applies equally to same-sex couples and different-sex couples, it cannot be withheld by popular vote or the whims of a state legislature, and states cannot discriminatorily refuse to respect lawful marriages performed in other states. At least three grounds support this result.

First, excluding a certain class of people from marriage undermines the dignity and respect that government owes everyone. Gay and lesbian couples live in all of our communities, where they raise children, support each other in sickness and in health, combine assets, buy homes and otherwise engage in all the indicia of marriage. The stability of these family units directly benefits municipalities. Marriage lessens societal ills such as poverty, homelessness, and crime; when it is denied to a discrete group, they – and their children – are more likely to need the social services that municipalities provide.

Equal treatment under the law, including the freedom to marry, is also a boon to municipalities' local economies, which are largely reliant on the recruitment of talent and diversity in the workforce and in their population. "[D]iverse, inclusive communities that welcome gays, immigrants, artists, and free-thinking bohemians are ideal for nurturing creativity and innovation, both keys to success in the new technology." Richard Florida & Gary Gates, The Brookings Institution, *Technology and Tolerance: The Importance of Diversity to High-Technology Growth* (2001), www.brookings.edu/research/reports/2001/06/technology-florida. Institutional discrimination at the state level greatly impedes local governments' ability to achieve that goal. Without marriage equality, public entities face great difficulty attracting the kind of talent that enriches their local economies, diminishing their competitiveness vis-à-vis states (or countries) that permit equal access to marriage.

Second, official recognition of marriage as a fundamental right for all, including gay men and lesbians, is crucial to municipalities' ability to treat everyone with equal dignity and respect. Long before the current momentum towards ending gay couples' exclusion from marriage, numerous cities had already been at the forefront in enacting local laws and regulations prohibiting discrimination on the basis of sexual orientation, sometimes long before their state counterparts. Those cities have seen the benefits of treating their residents with equal dignity and respect, a respect that must extend to their full and equal enjoyment of constitutional rights such as the freedom to marry.

Finally, marriage equality cannot have full meaning unless it is recognized uniformly across state lines. The second question before this Court – whether a state may constitutionally refuse to recognize the marriage of a same-sex couple validly married in another state – should be answered with a resounding "no."

The right to travel is based on the premise that our country is strengthened by the freedom that we all have to move among the various states. It is hard to imagine a greater obstruction to travel than a state law declaring that a family will be dissolved upon entry into another state. Amici, who seek to attract a diverse and vibrant pool of employees, businesses and residents, have a strong interest in ensuring that such blatant constitutional violations are not tolerated by this Court.

ARGUMENT

I. DISCRIMINATORY MARRIAGE LAWS IMPAIR THE ABILITY OF MUNICIPALITIES TO TREAT THEIR RESIDENTS WITH DIGNITY AND RESPECT.

A. Municipalities know firsthand the importance of marriage to individual dignity, prosperity and social stability.

Jerry Sanders, former mayor of San Diego, California, in explaining his support of marriage equality, said:

> "Allowing loving and committed couples to join in marriage has benefits not just for couples and

> their families – but also for society. Marriage encourages people to take responsibility for each other, provides greater security for children, and helps our country live up to its promises set forth in our founding documents. These are important values for a strong society, and we should encourage them."

It is well-documented that marriage brings financial and emotional stability to populations, leading to healthier communities that allow local governments to thrive. Marriage is a "vital social institution." *Goodridge v. Dep't of Pub. Health,* 798 N.E.2d 941, 948 (Mass. 2003).

> "For those who choose to marry, and for their children, marriage provides an abundance of legal, financial and social benefits. In return, it imposes weighty legal, financial and social obligations." *Goodridge, id.*

The benefits of marriage were recognized and outlined by the United States District Court for the Northern District of California, much as they have been affirmed in over 60 state and federal rulings in the past two years. The District Court found that marriage benefits society because it organizes individuals into "cohesive family units," provides a "realm of liberty, intimacy and free decision-making," creates "stable households, and legitimat[izes] children." *Perry v. Schwarzenegger*, 704 F.Supp.2d 921, 962-63 (N.D. Cal. 2010). And marriage promotes "physical and psychological health," and increases wealth and "psychological well-being." *Ibid.*

Marriage also entails significant responsibilities, which in turn benefits municipalities by lessening the need for government support. The *Perry* District Court found, for example, that marriage "assign[s] individuals to care for one another and thus limit[s] the public's liability to care for the vulnerable," and "facilitate[s] property ownership." *Ibid.* Marriage "creates economic support obligations" between adults. *Ibid.* Marriage ultimately forms an economic unit in which two adults support each other not just emotionally but financially and otherwise. The "tangible and intangible benefits of marriage flow to a married couple's children." *Ibid.* Accordingly, when couples are denied the freedom to marry, they and their children lose all the benefits that marriage offers, and are more likely to require the social services municipalities provide.

Discriminatory marriage laws are themselves a form of institutional discrimination that causes psychological harm. Mark L. Hatzenbuelher, Katie A. McLaughlin, Katherine M. Keyes & Deborah S. Hasin, *The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay and Bisexual Populations: A Prospective Study,* 100 Am. J. Publ. Health 452-459 (Mar. 2010). Laws that discriminate on the basis of sexual orientation contribute to "minority stress," which is "chronic social stress resulting from experiencing prejudice, anticipating further prejudice, harboring internalized homophobia, and attempting to conceal or hide one's sexual orientation." Therese M. Stewart and Mollie M. Lee, *The Role of Public Law Offices in Marriage Equality Litigation*, 37 N.Y.U. Rev. L. & Soc. Change 187, 191 (2013). Research has shown a strong correlation

between this kind of stress and health issues such as anxiety disorders and increased suicide. *Id.* at 193.

Discriminatory marriage laws also encourage private prejudice. The American Psychological Association (APA) found that denying same-sex couples the right to marry "stigmatizes same-sex relationships, perpetuates the stigma historically attached to homosexuality, and reinforces prejudice against lesbian, gay and bisexual people." In 2011, it unanimously approved a resolution in support of full marriage equality. American Psychological Association, *Resolution on Marriage Equality for Same-Sex Couples* (Aug. 2011), http://www.apa.org/about/policy/same-sex.aspx. As then-Mayor of San Diego Jerry Sanders testified during the *Perry* trial, "When government tolerates discrimination against anyone for any reason, it becomes an excuse for the public to do the same thing." Transcript of Proceedings at 1226, *Perry v. Schwarzenegger*, 704 F.Supp.2d 921 (N.D. Cal. 2010).

These harms all lead to a greater need for services and additional costs for municipalities. For example, when employees miss work because of mental or physical ailments linked to discrimination, the loss of productivity harms municipalities as employers, and lowers tax revenues because local businesses are less productive. *The Role of Public Law Offices in Marriage Equality Litigation, supra* at 195. When children stay home from school because they fear bullying, school districts lose funding and must spend time and money to help the affected students. *Id.* When gay men and lesbians seek medical attention after hate crimes, local governments often pay the price as health-care

providers of last resort. *Id.* Even the act of putting marriage to a vote causes harm. The APA has found that statewide campaigns to deny same-sex couples the right to marry "are a significant source of stress to the lesbian, gay and bisexual residents of those states and may have negative effects on their psychological well-being." American Psychological Association, *Resolution on Marriage Equality for Same-Sex Couples, supra.*

Mayors across the country have observed the benefits of assuring the freedom to marry without discrimination. *See, e.g,* New York Mayor Bill De Blasio ("Expanding marriage equality in New York has not only helped our local economies, but also enabled our City, schools, hospitals and businesses to treat all couples and families with the respect they deserve – be it with the birth or adoption of a child, or in dealing with difficult medical issues. Everyone deserves this basic dignity."); Boston Mayor, the late Tom Menino ("We've now had the freedom to marry in Boston for almost eight years. Since then we've seen more same-sex couples move to the city, and with that economic development, urban revitalization, and a spirit of pride and progress that are hallmarks of Boston."); former Washington, D.C. Mayor Vincent Gray ("Having enjoyed the freedom to marry in D.C. for nearly two years now, I know firsthand that marriage makes a city stronger."); Chicago Mayor Rahm Emanuel (failure to enact marriage equality is "bad for Chicago, bad for Illinois, and bad for our local economy and the jobs it creates."); Orlando Mayor Buddy Dyer ("Our city remains committed to equality, and we understand this serves as an additional economic development tool as our community looks to attract talented, creative people and employers and create jobs for all of our

residents."). *See* Freedom to Marry, *America's Mayors on Why They Support the Freedom to Marry*, http://www.freedomtomarry.org/pages/ americas-mayors-on-why-they-support-the-freedom-to-marry (last visited Mar. 3, 2015).

B. In states that deny same-sex couples the freedom to marry, municipalities offer costly workarounds and inferior substitutes to marriage.

In states that deny same-sex couples the freedom to marry, many municipalities have devised "workarounds" to alleviate the disparities between the gay and lesbian population and the heterosexual population. Municipalities should not have to engage in these costly alternatives that would be unnecessary were all couples able to enjoy the constitutional freedom to marry.

1. "Grossing up" to make up for additional tax liabilities.

Although municipalities often provide medical benefits to the registered domestic partner of an employee, the fair market value of the added insurance for the domestic partner, who is not legally recognized as a spouse, is taxed. Therefore, some municipalities reimburse the employee for the additional tax liability to offset the inequity. *See, e.g.*, Palm Beach County, *Domestic Partner Tax Equity Policy*, PPM No. CW-P-082; City of Hallandale Beach Resolution No. 2014-140; Miami Beach City Code § 62-128(d); West Palm Beach City Code § 62-66; City of Wilton Manors Resolution No. 2013-0069.

But this practice, called "grossing up," is quite costly for municipalities. The United States Office of Personnel Management estimates that a net "grossing up" award of $1,000 could cost the agency $1,713.80. U.S. Office of Pers. Mgmt. *Grossing Up Awards: Why and Why Not*, http://www.opm.gov/policy-data-oversight/performance-management/performance-management-cycle/rewarding/grossing-up-awards/ (last visited March 3, 2015). The New York Times estimates that grossing up for an employee who incurs extra taxes of $1,200 to $1,500 will cost the employer from $2,000 to $2,500. Tara Siegel Bernard, *A Progress Report on Gay Employee Health Benefits,* New York Times, http://bucks.blogs.nytimes.com/2010/12/14/a-progress-report-on-gay-employee-health-benefits/ (last visited Mar. 4, 2015).

2. Domestic partnerships.

Domestic partnerships are also costly and complicated for a municipality to administer. While marriage gives rise to a myriad of benefits and incidents, these inadequate marriage proxies entail administrative steps such as registration and notification to each affected city department. This administrative burden would not exist if everyone had an equal right to exercise the freedom to marry.

These bureaucratic structures, moreover, amount to "separate but unequal" family units that render these families outliers within the community. Counties and municipalities cannot approximate the hundreds of benefits, protections and responsibilities available through recognition of a marriage. The marital status offers, for example, a spousal presumption of parentage, protections for surviving spouses through

intestacy, protections for children of a couple in a divorce proceeding including both custody and financial support, federal and state benefits reserved for spouses, and others.

Most importantly, these cobbled-together protections cannot approximate the dignity, societal recognition, security and portability enjoyed by those couples who are presently permitted to marry.

> "[O]nly marriage, legally respected and honored when entered into by same-sex couples under law the same way it is for heterosexual couples, can provide the protections of marriage for families headed by same-sex couples." Liz Seaton, *The Debate Over the Denial of Marriage Rights and Benefits to Same-Sex Couples and Their Children*, 4 U.Md.L.J. Race Relig. Gender & Class 127 (2004).

The balkanization of marriages, domestic partnerships and civil unions amounts to an unworkable and demeaning approach to civic life. In *Kerrigan v. Dept. of Pub. Health,* 289 Conn. 135 (2008), the Connecticut Supreme Court rejected the state's classification of family units into same-sex civil unions compared to marriages for different-sex couples. The Court explained:

> "[W]e reject the trial court's conclusion that marriage and civil unions are 'separate' but 'equal' legal entities...Although marriage and civil unions do embody the same legal rights under our law, they are by no means 'equal.' * * * We do not doubt that the civil union law was designed to benefit same sex couples by

> providing them with legal rights they previously did not have. [T]he very existence of the classification gives credence to the perception that separate treatment is warranted for the same illegitimate reasons that gave rise to the past discrimination in the first place. Despite the truly laudable effort of the legislature in equalizing the legal rights afforded same sex and opposite sex couples, there is no doubt that civil unions enjoy a lesser status in our society than marriage. We therefore conclude that the plaintiffs have alleged a constitutionally cognizable injury, that is, the denial of the right to marry a same sex partner." 289 Conn. at 152 (footnote omitted).

Similarly, in *United States v. Windsor,* 133 S. Ct. 2675 (2013), this Court recognized the destruction to children of living in a "second-tier marriage." *Id.* at 2694. *Windsor* was addressing a marriage between a same-sex couple that was not being recognized by the federal government, but the impact is the same: Living in an unrecognized family form "humiliates tens of thousands of children now being raised by same-sex couples." *Ibid.* Treating relationships between same-sex partners differently "makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives." *Ibid.*

See also In re Marriage Cases, 43 Cal. 4th 757, 845-846 (2008) ("affording same-sex couples access only to the separate institution of domestic partnership, and denying such couples access to the established

institution of marriage, properly must be viewed as impinging upon the right of those couples to have their family relationship accorded respect and dignity equal to that accorded the family relationship of opposite-sex couples").

3. State pushbacks on municipalities' efforts.

Some state marriage bans are so broad that the municipalities within those states cannot provide even these separate systems. At least eighteen states have extended their discriminatory bans by refusing to create or recognize civil unions, domestic partnerships, or any other alternative to marriage. *See, e.g.*, Ky. Const. § 233A ("A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.")

The City of Kalamazoo, Michigan has faced such a state backlash. It had been offering health care benefits to all employees and their domestic partners when Michigan voters subsequently passed a constitutional amendment that restricted a marriage "*or similar union*" to one man and one woman. Mich. Const. art. 1, § 25 (emphasis added). The state concluded "the City's policy of offering benefits to same-sex domestic partners violates the amendment's prohibition against recognizing any 'similar union.'" Mich. Op. Att'y Gen. 7171 (2005). Although Kalamazoo announced its intention to discontinue the benefits plan, it was still challenged in litigation. Ultimately, in 2008, the Michigan Supreme Court agreed that domestic partner benefits violated the state's expanded marriage ban. *Nat'l Pride at Work, Inc., et al. v. Governor of Michigan*, 732 N.W.2d 139 (Mich. Ct. App.

2007). Determined to provide benefits to their committed-but-unmarried employees, Kalamazoo and other Michigan public entities adopted benefit plans that permitted an employee to designate another adult an "Other Qualified Adult" ("OQA"). In direct response, the Michigan Legislature passed a bill prohibiting these OQA plans. 2011 Mich. Pub. Acts, Act 297, § 15.583.

Although this OQA ban was recently declared unconstitutional by a federal district court,[3] Kalamazoo's eight-year struggle is the kind of resistance that a municipality should not have to face. Yet the Sixth Circuit's decision promises endless such protracted battles for municipalities everywhere. Because marriage is regulated in the first instance at the state level, so long as a state denies marriage to same-sex couples, municipalities within those states can only carry these marriage workarounds so far – and often in the face of constant resistance from the state – in their efforts to provide same-sex couples and their families with at least a modicum of the benefits available to their different-sex counterparts.

C. Marriage discrimination hampers municipalities' economic growth and their ability to recruit and retain talented employees.

For municipalities as employers, the work environment is particularly important as public entities cannot offer the kind of compensation packages

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[3] *Bassett v. Snyder*, 2014 U.S. Dist. LEXIS 159253 (E.D. Mich. Nov. 12, 2014).

available in the private sector. Instead, fairness and equality in the workplace and quality of life benefits are critical for recruiting and retaining the best employees.

Further, the most dynamic American city economies are driven by technology and innovation. In the area of high technology, for example, it has been found that diversity, including the presence of gay men and lesbians, is key to attracting the talent and businesses necessary to thrive: "Gays ... signal a diverse and progressive environment that fosters the creativity and innovation necessary for success in high tech industry." Richard Florida & Gary Gates, The Brookings Institution, *Technology and Tolerance: The Importance of Diversity to High-Technology Growth* 2 (2001).

Fostering this sort of diversity attracts to the municipality both the desired employees and the businesses that want to hire them. Companies support marriage equality because

> "they understand that marriage equality is a mechanism for them to attract and retain talent... it signals a kind of openness to people who are different. It sends a signal to people, straight or gay, that this is a place where they can potentially thrive. That's especially critical for companies that rely on people who have to be creative, entrepreneurial and innovative." James B. Stewart, *Gay Marriage Bans May Come at a Price,* New York Times, May 11, 2012, at B1.

In October 2014, Marsh & McLennan released an exhaustive report quantifying the impact of the

"patchwork quilt of marriage laws" on business. It noted:

> "With each passing year, more employers are advancing inclusive benefits policies for their employees. In 2013 among large corporations, already 67% that offered health benefits also offered equal access to benefits, and that number is growing by 3% per year. Small and mid-sized companies are adding these benefits at rates of 8% per year. Without a ruling by the Supreme Court affirming freedom to marry nationally, we expect the talent market consensus to consolidate, and a greater portion of employers will push to equalize benefits and tax treatment for same-sex households. Administrative and tax burdens will grow." Katie Kopansky & Jerry Cacciotti, Marsh & McLennan Companies, *The Cost of Inconsistency: Quantifying the Economic Burden to American Business from the Patchwork Quilt of Marriage Laws* 15 (Oct. 2014).

Ultimately, inconsistent marriage laws create administrative burdens, and discriminatory marriage laws hamper the ability of municipalities to recruit and retain diverse, talented workforces.

II. THE FREEDOM TO MARRY IS A FUNDAMENTAL RIGHT FOR EVERYONE, INCLUDING GAY MEN AND LESBIANS.

A. Municipalities have witnessed positive changes arising from their longstanding protections against sexual orientation discrimination, and recognizing the fundamental freedom to marry would bring about similar positive changes.

Mayors and municipalities are often at the forefront of local government efforts to ensure that gay men and lesbians are treated with dignity and respect. In 1984, the U.S. Conference of Mayors adopted a resolution calling for the legal protection of gay men and lesbians, followed by dozens of cities adopting such resolutions and laws. In 1996, the City Council of Los Angeles opposed a state assembly bill, which was ultimately defeated, that would have precluded recognition of marriages between same-sex couples. Los Angeles also passed resolutions opposing the marriage discrimination voter initiatives in 2000 and 2008.

Long before any state recognized marriage equality, and even before any state recognized domestic partnerships, many cities, including Los Angeles, San Francisco, Chicago and New York, devised laws and regulations to protect against sexual orientation discrimination at the municipal level. Starting in the 1970s, these and other cities began to adopt laws and policies to eliminate discrimination against, and equalize the status of, lesbians and gay men. Today, many cities have municipal codes prohibiting sexual orientation discrimination in employment, housing and public accommodations and prohibiting employment

discrimination by City contractors. *See, e.g.*, L.A. Admin. Code §§ 4.404.1, 4.404.2, 4.860. 10.8.2 *et seq.*; L.A. City Charter §§ 104 and 501; N.Y. Admin. Code §§ 3:240-3:245, 8-107; S.F. Police Code §§ 3301-05, S.F. Admin. Code § 12B.1 *et seq*.

When these provisions outlawing sexual orientation discrimination were first enacted, they were novel and groundbreaking; yet today, cities across the nation have such laws.

Cities implementing these protections have seen extraordinarily positive changes. For example, San Francisco's Equal Benefits Ordinance has increased the number of employees who are offered domestic partner benefits as well as the number of insurance companies that offer plans with such benefits. And it has helped private companies recruit and retain talented employees. Christy Mallory & Brad Sears, *Requiring Equal Benefits for Domestic Partners*, *in* When Mandates Work: Raising Labor Standards at the Local Level 158-59 (Michael Reich et al., ed. 2014).

Similarly, while Cincinnati once had "'the most anti-gay local law our country has ever seen,'" which caused the city to lose "close to $50 million in Convention business, people moved away and [its] image as a world-class city suffered tremendously," that law was repealed in 2004 with great positive results. Chris Seelbach, Councilman, City of Cincinnati, Ohio. Human Rights Campaign & Equality Federation Institute, *Municipal Equality Index 2014: A Nationwide Evaluation of Municipal Law* 14 (2014). Since the repeal, Cincinnati has "taken every necessary step to be an LGBT-inclusive city. . . . Steps like extending equal partner health benefits to city

employees, creating an LGBT police liaison and requiring all city contractors to agree in writing to an inclusive non-discrimination law." *Id.* Cincinnati is "now a leading voice in the fight for LGBT equality," and "for the first time in sixty years, [its] population is increasing. And [its] urban core is thriving with good paying jobs, exciting bars and restaurants, diverse housing and a top-notch park system great for families." *Ibid.*

Simply put, treating all Americans with dignity and respect under the law is not only the Constitution's command, it is good for communities and good for the country.

B. Gay men and lesbians share the same fundamental right to marry recognized by this Court again and again.

While a state validly regulates the incidents of marriage that directly impact its governance, such as the distribution of property and responsibility for children, this authority has never given a state license to trample upon the civil rights of those who wish to exercise them. This Court has repeatedly intervened when a state's regulation of marriage intrudes upon constitutional rights.

In *Zablocki, supra,* the Court acknowledged that marriage is a matter of state domestic policy, but readily overturned a state law that prohibited marriage by an indigent parent who owed child support. 434 U.S. at 380. In *Turner, supra,* the Court recognized that a state could restrict an inmate's constitutional rights, but nonetheless struck as "facially invalid" its ban on inmate marriages. 482 U.S. at 99. And in

Loving – the dispositive case here – the Court accepted that marriage was a "social relation" subject to state regulation, but held that the state power was "not unlimited," and thus struck a ban on interracial marriage as a violation of the Equal Protection Clause. 388 U.S. at 8.

Despite this authority, the Sixth Circuit found that marriages between persons of the same sex are different than other marriages because they are not "deeply rooted" in our nation's "history and tradition." But the same was true of interracial marriages in *Loving*, marriages by parents owing child support in *Zablocki* and marriages by inmates in *Turner*. The Court's emphasis in those cases on the right – rather than the attributes of the individuals exercising the right – is necessary and proper. It is the "history and tradition" of marriage itself, not the particular individuals choosing it, that renders marriage a fundamental right.

Likewise, Amici urge this Court to recognize that it is the ultimate freedom to marry – not the sexual orientation or gender of the individuals wishing to exercise the freedom – that is the fundamental right here.

C. In contrast to the positive changes in municipalities that openly recognize the dignity and respect owed to the gay and lesbian population generally, permitting gay people's freedom to marry to be withheld by popular vote injures and stigmatizes same-sex couples and undermines their dignity and ability to participate fully in society.

"One marker of the hostility and animus directed towards LGBT Americans is the proliferation of attempts to use state and local ballot measures to repeal or preclude protection against employment discrimination based on sexual orientation or gender identity...[P]roponents of workplace equality for the LGBT minority have had to respond – more frequently than any other group – to repeated, well-funded campaigns to erect barriers against basic civil rights protections." Brad Sears, Nan Hunter and Christy Mallory, The Williams Institute, UCLA School of Law, *Documenting Discrimination on the Basis of Sexual Orientation and Gender Identity in State Employment* (2009).

Conditioning fundamental rights on a group's popularity with voters is demeaning to the targeted group and toxic to the relationship between the unpopular group and the general population. The uncertainty caused when a group of people is targeted in this way is disruptive for all municipalities; in contrast, marriage provides the kind of stability that allows a municipality to thrive.

California's Proposition 8 was a prime example of what happens when the rights of gay men and lesbians

may at any time be subject to a vote. During this turbulent time in California history, marriage equality was recognized by the California Supreme Court in May 2008[4], resulting in more than 18,000 same-sex couples becoming lawfully married. But six months later, in November 2008, Proposition 8 took that right away, and gay men and lesbians were again barred from getting married. This resulted in a "crazy quilt of marriage regulation that makes no sense to anyone." Theodore B. Olson, *The Conservative Case for Gay Marriage: Why Same-Sex Marriage is an American Value,* Newsweek, http://www.newsweek.com/conservative-case-gay-marriage-70923 (Jan. 8, 2010 at 7:00 p.m.). Marriage equality has since been restored and settled in California, but, as Olson wrote at the time:

> "[T]here are now three classes of Californians: heterosexual couples who can get married, divorced and remarried, if they wish; same-sex couples who cannot get married but can live together in domestic partnerships; and same-sex couples who are now married but who, if they divorce, cannot remarry. This is an irrational system, it is discriminatory, and it cannot stand." *Ibid.*

Such a "crazy quilt" imposes a burden on municipalities when they are forced to address such fluctuations in the structures of their families – one of the building blocks of society. The uncertainly caused when a discrete group of people is targeted in this way is disruptive for all municipalities; in contrast,

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[4] *In Re Marriage Cases*, 43 Cal.4th 757 (2008).

marriage provides the kind of stability that allows municipalities to thrive.

Even in states that currently embrace marriage equality, the idea that the marriage right could be lost in an election denigrates the marital status of those same-sex couples allowed to marry because it can always be taken away. Where the risk of marriage equality vanishing arises with each election, gay men and lesbians must live with the specter that their right to marry can be whisked away at any time. That is precisely the opposite of the stability that marriage – and fundamental rights – are supposed to bring.

D. The Sixth Circuit's decision contravenes the respect and dignity municipalities owe their residents.

Amici adopt the arguments made by the parties as to the infirmity of the Sixth Circuit's decision, and focus here on specific aspects most germane to municipalities.

The Sixth Circuit's opinion displays an elemental lack of respect for gay men and lesbians. If this Court affirms that decision, thus integrating this disrespect into binding case law, the impact on the gay and lesbian community and the municipalities in which they live would be very harmful.

1. The problems the Sixth Circuit posits would arise in a society without marriage for heterosexual couples apply with equal force to the same-sex couples of today who must live without marriage.

After discussing a supposed rationale for the laws at issue – the "responsible procreation" theory that has been rejected by virtually every reviewing court that has heard it – the Sixth Circuit posited:

> "Imagine a society without marriage." 772 F.3d at 404.

A society without marriage, the Court found, would lead to a host of problems resulting from the "absence of rules about how to handle the natural effects of male-female intercourse: children." *Ibid.*

But the court failed to recognize that the chaos it imagined would continue to be imposed on the families of same-sex couples by its own decision, leaving gay men and lesbians without marriage whenever the electorate votes to ban it.

While the Sixth Circuit's concerns revolved around biological children and questions of which parents should be responsible for which children, *ibid.*, the undeniable reality is that nearly twenty percent of same-sex couples in the United States are raising children under the age of 18. Gary J. Gates, The Williams Institute, UCLA School of Law, *LGBT Parenting in the United States*, at 1 (Feb. 2013). Most of those children are biologically related to one of their parents. *Id.* at 3, fig. 4. Gay and lesbian families also account for a growing number of foster adoptions. Over

fifty percent of lesbian and gay parents adopted children from the child welfare system, and sixty percent of adopted children are of a different race than their parents. David M. Brodzinsky, The Donaldson Adoption Institute, *Expanding Resources for Children III: Research-Based Best Practices in Adoption by Gays and Lesbians* (Oct. 20, 2011), http://adoption institute.org/dai-press/new-report-expanding-resources-for-children-iii-research-based-best-practices-in-adoption-by-gays-and-lesbians/ (last visited March 3, 2015).

Gay men and lesbians are raising children – biological, adoptive and foster – and these families and children are just as worthy of the rules and stability that marriage brings. The Sixth Circuit's willingness to leave gay men and lesbians in the chaos it contended would result if different-sex couples did not have marriage shows an indifference toward the children of same-sex couples. It should not be tolerated by this Court.

2. The Sixth Circuit's willingness to make same-sex couples "wait and see" if their constitutional right to marry will eventually be recognized should not be accepted.

The Sixth Circuit alternatively opined that a state might want to "wait and see before changing a norm," defined as the "traditional" marriage between a man and a woman. 772 F.3d at 404. It found the best solution was to allow "state democratic forces to fix the problems" – yet those same "democratic forces" are excluding gay men and lesbians from the benefits and responsibilities of marriage.

This cavalier disregard for ending marriage discrimination should not be accepted. Every day of denial of a constitutional right, and particularly any delay in being able to marry and share in the tangible and intangible protections and responsibilities marriage brings, matters. Because the need to secure the fundamental right of gay men and lesbians to marry is urgent for the residents and employees of municipalities, it is urgent for Amici.

Public entities in states that do not recognize marriage equality increasingly are filled with families like that of petitioners April DeBoer and Jayne Rowse: two women in a long-term, committed relationship, both state-licensed foster parents, providing a "stable and loving home for several children, two of whom have special needs." Pet. pp. 5-6. For their family, Michigan's marriage discrimination means these women are unable to marry, nor may they both be the legal parent of any of their children. Each parent is a legal stranger to one or more of the children they are raising. A car accident or similar life event could tear their family apart.

Requiring these women to wait for inchoate "state democratic forces" to decide whether they will ever be able to make their family whole is not something this Court should tolerate.

III. NON-RECOGNITION LAWS VIOLATE THE RIGHT TO TRAVEL OF SAME-SEX COUPLES BY TREATING THEM AS LEGAL STRANGERS AND INCREASING THEIR NEED FOR PUBLIC SERVICES UPON ENTRY INTO A DIFFERENT STATE

The employees and residents of municipalities frequently travel to other states for work or pleasure, and sometimes relocate to take a new job or be near family. But when a committed, legally married same-sex couple and their children enter a state whose laws expressly refuse to acknowledge their marriage, their marital and parental relationships are effectively dissolved for the length of their stay. The denial of rights provided by state law to different-sex married couples creates obstacles for same-sex couples attempting to provide their family with care and support, and forces them to rely instead on public services provided by local municipalities. Such couples are thereby penalized for exercising their constitutional right of interstate travel, resulting in uncertainty and loss of dignity.

> "[F]or the peace of the world, for the prosperity of its respective communities, for the well-being of families, for virtue in social life, for good morals, for religion, for everything held dear by the race of man in common, it is necessary that there should be one universal rule whereby to determine whether parties are to be regarded as married or not." Joel Prentiss Bishop, *New Commentaries on Marriage, Divorce, and Separation, Book III*, §856 at p. 369 (Chicago T.H. Flood & Company Legal Publishers) (1891);

see also In re Estate of Lenherr, 314 A.2d 255, 258 (Pa. 1974) (in an age of easy mobility, it would create inordinate confusion if a marriage valid in one state were held invalid elsewhere).

This Court recognizes a "virtual unconditional personal right, guaranteed by the Constitution to us all" to "be free to travel throughout the length and breadth of our land uninhibited by statutes, rules or regulations which unreasonably burden or restrict this movement." *Saenz v. Roe,* 526 U.S. 489, 498 (1999), citing *Shapiro v. Thompson,* 394 U.S. 618, 629, 643 (1969). This right is violated by a state law "when it uses any classification which serves to penalize the exercise of that right." *Atty. General of N.Y. v. Soto-Lopez,* 476 U.S. 898, 903 (1986).

The Sixth Circuit found the non-recognition laws at issue do not violate the right to travel because they do not prohibit movement in and out of the state. 772 F.3d at 420. But this Court has never required "a direct obstruction" to ingress and egress to find that a state law violates the right to travel. *See, e.g., Toomer v. Witsell,* 334 U.S. 385, 385 (1948) (South Carolina statute requiring nonresident fishermen to pay $2500 fee while residents pay only $25). And while a same-sex couple may be free to travel with their family to a non-recognition state, the burdens of losing legal recognition of their relationships continue as long as the couple resides in that state, rendering it more extreme than the waiting-period laws struck in cases such as *Saenz v. Roe, supra,* 526 U.S. 489 (invalidating waiting period for newly arrived residents to obtain state welfare benefits).

Where a state's exercise of its police powers is used to impact travel, the Court has declared such actions unconstitutional, consistently striking state laws intended to discourage certain people from living within the state. *See, e.g.*, *Shapiro v. Thompson, supra,* 394 U.S. at 629-30 (Connecticut law limiting welfare benefits for new residents); *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 269 (1974) (Arizona statute requiring one-year residency for entitlement to free medical care).

Non-recognition laws similarly impact migration, requiring same-sex couples to surrender their marital status as the price of settling in the state for any reason – whether to pursue a new job opportunity, to care for an elderly or ill relative, or simply to make a fresh start. The right to travel is rendered largely meaningless for married same-sex couples when it is conditioned on making such a sacrifice. "It is difficult to conceive of a more effective method of ensuring that persons do not enter or remain in a locality." *Lozano v. City of Hazelton,* 620 F.3d 170, 220-21 (3rd Cir. 2010). And when same-sex couples are deterred from settling in a non-recognition state, local municipalities are hindered in their quest for talented employees and entrepreneurial business interests.

Not knowing whether one will be treated as married when one moves or travels forces married couples to anticipate traumatic events such as illness or death that might occur while traveling, and to take costly and burdensome legal steps to try to replicate family rights that travel automatically with different-sex married couples. Yet, those efforts may still be insufficient to provide protection against the governmental and

institutional discrimination promoted by non-recognition laws like the ones at issue.

One illustration of how such discrimination penalizes traveling same-sex couples occurred in 2007, when Janice Langbehn and Lisa Pond traveled with their three children to Florida. Lisa suffered an aneurysm and was rushed to the hospital. Janice was not permitted to see her, despite providing the hospital with documentation of their relationship and previously prepared health care proxies. Janice was told Florida law did not consider her family. By the time she prevailed, hours had passed and Lisa was unconscious; she died later that day. Tara Parker-Pope, *How Hospitals Treat Same-Sex Couples*, New York Times (May 12, 2009 at 12:00 p.m.), http://well.blogs.nytimes.com/2009/05/12/how-hospitals-treat-same-sex-couples/.

While Janice and Lisa were unable to marry in their home state of Washington, their experience is something currently-married same-sex couples must be prepared to face. It shows how even the most determined efforts to duplicate the legal rights that come automatically to different-sex married couples may be futile in the face of implacable discrimination.

On top of the concerns raised by *traveling* to a non-recognition state, same-sex couples *relocating* to such a state are exposed to significant harm by the confusing "crazy quilt" of laws concerning the recognition of their marriages. If they establish a domicile in a non-recognition state, the effective dissolution of their marriage gives rise to complications in matters such as divorce, estate administration and access to state and federal benefits, potentially leaving

one or both spouses dependent on public services. Such complications can have particularly harsh results when child custody and visitation issues arise. Should the relationship of the same-sex couple end while living in a non-recognition state, for example, the non-biological or non-adoptive parent of a child of that marriage may be treated by that state's courts as an unrelated third party. *See, e.g.*, *Stadter v. Siperko*, 661 S.E.2d 494, 497-99 (Va. Ct. App. 2008) (lesbian non-parent denied visitation over biological parent's objection because she was unable to show denial of visitation would be detrimental to the child's welfare).

Attempts to protect against such an eventuality may be hampered by the inconsistency in state marriage laws. Last year, a New York judge denied the request of a lesbian mother to adopt the child born to her spouse. Although New York law viewed both women as a legal parent based on their valid marriage, the couple wanted their rights legally established should they travel to a non-recognition state. The judge, however, ruled adoption was not warranted given their existing legal parent-child relationships. Oren Yaniv, *Brooklyn Judge Refuses Lesbian Couple's Request to Adopt Own Son*, NY Daily News (Jan. 28, 2014 at 3:53p.m.), http://www.nydailynews.com/new-york/brooklyn/judge-refuses-lesbian-couple-request-adopt-son-article-1.1594320. Should this couple ever travel to a non-recognition state, they will risk having those legal bonds questioned should any life event occur.

For example, if the birth mother died while in the non-recognition state, her spouse could be faced with the very real possibility that a judge could order their

child — born to a legally married couple — live with a distant relative or in foster care while the non-birth parent returns to her domicile state to seek legal recourse and regain custody of her child. That child, in the interim, may suffer unnecessary fear, anxiety and insecurity related to the loss of one parent and separation from the second.

It was just such a potentiality that led a different New York judge to allow an adoption under similar circumstances. *Matter of Sebastian*, 879 N.Y.S.2d. 677 (N.Y. Sup. Ct. 2009) (granting adoption because it was the only option "that will ensure recognition of both Ingrid and Mona as [Sebastian's] legal parents throughout the entire United States."). Same-sex couples should not be forced to go through this additional step of adopting their own child nor should they risk losing custody—even temporarily—because they travel to a state that refuses to accept them as a family. Similarly, an individual legally married in a marriage equality state should not have to worry his or her parental status will be questioned by a school official, medical provider, law enforcement authority or emergency personnel merely because the family travels or relocates to a state that refuses to recognize valid same-sex marriages.

But that is exactly the situation some of the Ohio plaintiffs are left in by the Sixth Circuit's decision. Because Nicole and Pam Yorksmith, lawfully married in California, are unable to have both their names listed on their children's birth certificates, they fear Pam, the non-biological mother, will not be "recognized with authority to approve medical care, deal with childcare workers and teachers, travel alone with their

[children], and otherwise address all the issues parents must resolve." *Henry v. Himes*, 14 F.Supp. 3d 1036, 1042 (S.D. Ohio 2014). They are forced to consider that should anything happen to Nicole, their children will be left in the care of the local municipality rather than that of their other mother.

The Constitution affords parents significant rights in the care and control of their children, and these fundamental rights may be curtailed only under exceptional circumstances. *Troxel v. Granville,* 530 U.S. 57, 65 (2000) (liberty interest in care, custody and control of one's children is "perhaps the oldest fundamental liberty interest recognized by this Court"). Non-recognition laws interfere with these valued parental rights.

Everyday financial and administrative issues arise for married same-sex couples who relocate to non-recognition states as well. For example, they lose certain Social Security and veterans' benefits that by statute are based on the law of the state in which they live.[5] Post-*Windsor*, same-sex married couples may file joint federal tax returns[6]; however, those couples

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[5] *See,* U.S. Social Security Admin., *Program Operations Manual System*, GN 00210.005, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0200210005 (last visited March 3, 2015).

[6] *See* Rev. Rul. 2013-17, 2013-38 IRB 201 (Sept. 13, 2013). Noting the state-of-celebration rule had been successfully applied to common-law marriages for over fifty years, the IRS concluded that, "[g]iven our increasingly mobile society," it was important to have a "uniform rule of recognition that can be applied with certainty . . . for all federal tax purposes." *Id.* at 10. The I.R.S. recognized the confusion arising from "'marriages possibly appearing and

lawfully married in one state but living in a non-recognition state have a complicated and expensive task in filing their taxes. They must fill out five tax returns: two individual state returns, one joint federal return, and two individual federal returns that will not be filed but are necessary to calculate individual state liabilities.[7] These couples face costs, confusion and frustration different-sex couples do not encounter.

In finding the Tennessee non-recognition law did not violate the right to travel, the Sixth Circuit asserted "the law does not punish out-of-state new residents in relation to its own born and bred . . . because the State has not expanded the definition of marriage to include gay couples in all settings, whether the individuals just arrived in Tennessee or descend from Andrew Jackson." 772 F.3d at 420. Essentially, the court held the right to travel was not implicated because Tennessee discriminates against all same-sex couples equally. This rationale minimizes the injuries non-recognition laws inflict on lawfully married same-sex couples who travel to or settle in such states. The statutes treat these couples in a dissimilar way than different-sex couples, affirmatively penalize their residency by nullifying their marital status for state-law purposes, and impose unique harms that are

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disappearing each time a taxpayer moves.'" Haniya H. Mir, *Windsor and Its Discontents: State Income Tax Implications for Same-Sex Couples*, 64 Duke L. J. 53 (2014) at http://revenue.louisiana.gov/forms/lawspolicies/RIB%2013-024.pdf.

[7] *See e.g.*, La. Dept. of Revenue, *Revenue Information Bulletin No. 13-024* (Sept. 13, 2013) at http://revenue.louisiana.gov/forms/lawspolicies/RIB%2013-024.pdf (last visited Mar. 3, 2015).

related to, but not the same as, the harms experienced by couples the state bars from marriage. This differentiation discourages same-sex couples from traveling or relocating to, or remaining in, non-recognition states, potentially lessening the diverse pool from which municipalities seek to draw their residents and employees.

Justice O'Connor once commented, "[I]t is difficult to imagine a right more essential to the Nation as a whole than the right to establish residence in a new State." *Zobel v. Williams,* 457 U.S. 55, 76-77 (1982), O'Connor, J., concurring. For that reason, laws designed to dissuade individuals from moving to a state cannot withstand constitutional scrutiny. *Saenz v. Roe, supra,* 526 U.S. at 503-06. By deterring same-sex couples from traveling or moving to states where their legal rights and relationships will not be honored, and penalizing those who do, non-recognition laws violate the constitutional right to travel.

CONCLUSION

As this Court has recognized, the drafters of the Constitution were not specific in outlining "the components of liberty in its manifold possibilities" because they "knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress." *Lawrence v. Texas,* 539 U.S. 558, 578-579 (2003).

This case brings out "certain truths" to which the law has been blind. When the electorate excludes a minority from something as important as the freedom to marry and equal legal respect for their families, federal courts – and this Court in particular – must

step in. Amici submit that the class singled out for disparate treatment here – gay men and lesbians – should be protected now.

Amici, who include Mayors and municipalities, are all united in respectfully requesting that this Court reverse the judgment of the Sixth Circuit, and hold that states may not deny gay and lesbian couples the freedom to marry nor the equal respect for their lawful marriages.

Respectfully submitted,

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APPENDIX

APPENDIX

TABLE OF CONTENTS

Appendix A List of Amici . . . . . App. 1

APPENDIX A

AMICI

Mayors for the Freedom to Marry is a non-partisan group of 500 mayors from 45 states who support the freedom to marry for same-sex couples and full and equal respect for lawful marriages across the United States. Currently chaired by Mayor Kevin Faulconer of San Diego, Mayor Eric Garcetti of Los Angeles, Mayor Michael Nutter of Philadelphia, Mayor Annise Parker of Houston, Mayor Kasim Reed of Atlanta, and Mayor Greg Stanton of Phoenix, Mayors for the Freedom to Marry lead culturally, racially, and geographically diverse cities – and share the belief, based on their experience and understanding of their constituents and communities, that ending marriage discrimination will strengthen families, businesses, cities, and the country. Mayors for the Freedom to Marry is a program of Freedom to Marry, the campaign to win marriage nationwide.

The United States Conference of Mayors is the official non-partisan organization of cities with populations of 30,000 or more. There are 1,393 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. The primary roles of The U.S. Conference of Mayors are to promote the development of effective national urban/suburban policy, strengthen federal-city relationships, ensure that federal policy meets urban needs, provide mayors with leadership and management tools; and create a forum in which mayors

can share ideas and information. Conference members speak with a united voice on organizational policies and goals.

The International Municipal Lawyers Association (IMLA) is a non-profit, nonpartisan professional organization consisting of more than 2500 members. The membership is comprised of local government entities, including cities, counties and subdivision thereof, as represented by their chief legal officers, state municipal leagues, and individual attorneys. IMLA serves as an international clearinghouse of legal information and cooperation on municipal legal matters. Established in 1935, IMLA is the oldest and largest association of attorneys representing United States municipalities, counties and special districts. IMLA's mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before the U.S. Supreme Court, the U.S. Courts of Appeals, and in state supreme and appellate courts.

The National League of Cities is the oldest and largest organization representing municipal governments throughout the United States. Its mission is to strengthen and promote cities as centers of opportunity, leadership, and governance. Working in partnership with 49 State municipal leagues, NLC serves as a national advocate for the more than 19,000 cities, villages, and towns it represents.

Mayor Matthew Appelbaum, Boulder, Colorado
Mayor Paul Aronsohn, Ridgewood, New Jersey
Mayor Richard Bain, City of Pepper Pike, Ohio
Mayor Tom Barrett, Milwaukee, Wisconsin
Mayor Ralph Becker, Salt Lake City, Utah
Mayor William Bell, Durham, North Carolina
Mayor Peter Benjamin, Garrett Park, Maryland
Mayor David Berger, Lima, Ohio
Mayor David Bieter, Boise, Idaho
Mayor John Birkner, Westwood, New Jersey
Mayor Robert Blais, Lake George, New York
Mayor Bill Bogaard, Pasadena, California
Mayor Muriel Bowser, Washington, D.C.
Mayor Noam Bramson, New Rochelle, New York
Mayor Edward Brennan, Merchantville, New Jersey
Mayor Michael Brennan, Portland, Maine
Mayor Barry Brickner, Farmington Hills, Michigan
Mayor David Burton, Malvern, Pennsylvania
Mayor Tom Butt, Richmond, California
Mayor Pete Buttigieg, South Bend, Indiana
Mayor Christopher Cabaldon, West Sacramento, California
Mayor Michael Cahill, Beverly, Massachusetts
Mayor Kenneth Carlson, Pleasant Hill, California
Mayor Catherine Carlton, Menlo Park, California
Mayor Craig Cates, Key West, Florida
Mayor Jerry Cole, Rainier, Oregon
Mayor Chris Coleman, Saint Paul, Minnesota
Mayor Michael Coleman, Columbus, Ohio
Mayor Barbara Coler, Fairfax, California
Mayor Ron Collins, San Carlos, California
Mayor Carolyn Comitta, West Chester, Pennsylvania
Mayor Thomas Cook, Freehold Township, New Jersey
Mayor Suzette Cooke, Kent, Washington
Mayor Joy Cooper, Hallandale Beach, Florida

Mayor Frederick Courtright, Mount Pocono, Pennsylvania
Mayor David Coviello, Biscayne Park, Florida
Mayor Frank Cownie, Des Moines, Iowa
Mayor John Cranley, Cincinnati, Ohio
Mayor Robert Cullen, King City, California
Mayor Joseph Curtatone, Somerville, Massachusetts
Mayor Pauline Cutter, San Leandro, California
Mayor John D'Amico, West Hollywood, California
Mayor CJ Davis, Holt, Michigan
Mayor Bill de Blasio, New York, New York
Mayor Victor De Luca, Maplewood, New Jersey
Mayor John Dennis, West Lafayette, Indiana
Mayor James Diossa, Central Falls, Rhode Island
Mayor Robert Dolan, Melrose, Massachusetts
Mayor Tom Donegan, Provincetown, Massachusetts
Mayor Bridget Donnell Newton, Rockville, Maryland
Mayor Kimberley Driscoll, Salem, Massachusetts
Mayor Michael Duggan, Detroit, Michigan
Mayor Jon Dunleavy, Bloomingdale, New Jersey
Mayor Buddy Dyer, Orlando, Florida
Mayor Paul Dyster, Niagara Falls, New York
Mayor Amanda Marie Edmonds, City of Ypsilanti, Michigan
Mayor Jim Ellison, Royal Oak, Michigan
Mayor Jorge O. Elorza, Providence, Rhode Island
Mayor Mimi Elrod, Lexington, Virginia
Mayor Rahm Emanuel, Chicago, Illinois
Mayor John Engen, Missoula, Montana
Mayor Mark Epley, Southampton, New York
Mayor William Euille, Alexandria, Virginia
Mayor Kevin Faulconer, San Diego, California
Mayor (Town Supervisor) Paul Feiner, Greenburgh, New York
Mayor Andrew M. Fellows, College Park, Maryland

Mayor Daryl Justin Finizio, New London, Connecticut
Mayor Johnny Ford, Tuskegee, Alabama
Mayor David Foubert, Yellow Springs, Ohio
Mayor Karen Freeman-Wilson, Gary, Indiana
Mayor Steven Fulop, Jersey City, New Jersey
Mayor Eric Garcetti, Los Angeles, California
Mayor Robert Garcia, Long Beach, California
Mayor Victoria Gearity, Ossining, New York
Mayor Andrew Gillum, Tallahassee, Florida
Mayor David Glass, Petaluma, California
Mayor Elizabeth Goreham, State College, Pennsylvania
Mayor J. Richard Gray, City of Lancaster, Pennsylvania
Mayor David Gysberts, Hagerstown, Maryland
Mayor Charlie Hales, Portland, Oregon
Mayor Barbara Halliday, Hayward, California
Mayor Michael B. Hancock, Denver, Colorado
Mayor Timothy Hanna, Appleton, Wisconsin
Mayor Toni N. Harp, New Haven, Connecticut
Mayor Bruce A. Harris, Chatham, New Jersey
Mayor Matt Hayek, Iowa City, Iowa
Mayor George Heartwell, Grand Rapids, Michigan
Mayor Karyn Hippen, Thompson, North Dakota
Mayor Betsy Hodges, Minneapolis, Minnesota
Mayor John Hollar, Montpelier, Vermont
Mayor Jamel Holley, Roselle, New Jersey
Mayor Aaron Householter, Salina, Kansas
Mayor Frank G. Jackson, Cleveland, Ohio
Mayor Sylvester "Sly" James, City of Kansas City, Missouri
Mayor Gary Jensen, Ferndale, Washington
Mayor Lioneld Jordan, Fayetteville, Arkansas
Mayor Richard Kaplan, Lauderhill, Florida
Mayor Stephen Keefe, Fredonia, New York
Mayor Christopher Kelly, West Mifflin, Pennsylvania

Mayor Judy Kennedy, Newburgh, New York
Mayor Mark Kleinschmidt, Chapel Hill, North Carolina
Mayor Michael Kohut, Haverstraw, New York
Mayor Chris Koos, Normal, Illinois
Mayor Janice Kovach, Clinton, New Jersey
Mayor Rick Kriseman, St. Petersburg, Florida
Mayor Mark Kruzan, Bloomington, Indiana
Mayor Jennifer Laird-White, Nyack, New York
Mayor Kenneth A. LaSota, Borough of Heidelberg, Pennsylvania
Mayor Lydia Lavelle, Carrboro, North Carolina
Mayor Timothy Leavitt, Vancouver, Washington
Mayor Marcia Leclerc, East Hartford, Connecticut
Mayor Liz Lempert, Princeton, New Jersey
Mayor Connie Leon-Kreps, North Bay Village, Florida
Mayor Sam Liccardo, San Jose, California
Mayor Peter Lindstrom, Falcon Heights, Minnesota
Mayor David Lossing, Linden, Michigan
Mayor Larry MacDonald, Bayfield, Wisconsin
Mayor Kim Maggard, Whitehall, Ohio
Mayor M. James Maley Jr., Borough of Collingswood, New Jersey
Mayor John Manchester, Lewisburg, West Virginia
Mayor Esther Manheimer, Asheville, North Carolina
Mayor John Marchione, Redmond, Washington
Mayor A. David Marne, Shavano Park, Texas
Mayor David Martin, Stamford, Connecticut
Mayor William Martin, Greenfield, Massachusetts
Mayor Shaun McCaffery, Healdsburg, California
Mayor Fred McCarthy, Langley, Washington
Mayor Ronald McDaniel, Montville, Connecticut
Mayor Kevin McKeown, Santa Monica, California
Mayor John A. McNally, Youngstown, Ohio
Mayor Pasquale Menna, Red Bank, New Jersey
Mayor Kurt Metzger, Pleasant Ridge, Michigan

Mayor Michael Mignogna, Voorhees, New Jersey
Mayor Stephanie Miner, Syracuse, New York
Mayor Mark Mitchell, Tempe, Arizona
Mayor William Moehle, Town of Brighton, New York
Mayor Alex Morse, Holyoke, Massachusetts
Mayor Darryl Moss, Creedmoor, North Carolina
Mayor Svante Myrick, Ithaca, New York
Mayor David Narkewicz, Northampton, Massachusetts
Mayor Marvin Natiss, North Hills, New York
Mayor Don Ness, Duluth, Minnesota
Mayor Michael Nutter, Philadelphia, Pennsylvania
Mayor Frank Ortis, Pembroke Pines, Florida
Mayor Eric Papenfuse, Harrisburg, Pennsylvania
Mayor Robert D. Parisi, West Orange, New Jersey
Mayor Annise Parker, Houston, Texas
Mayor Elizabeth Patterson, Benicia, California
Mayor Ed Pawlowski, Allentown, Pennsylvania
Mayor William Peduto, Pittsburgh, Pennsylvania
Mayor Jannquell Peters, East Point, Georgia
Mayor Randy Peterson, St. Helens, Oregon
Mayor Jerry V. Pierce, Valley Mills, Texas
Mayor Kitty Piercy, Eugene, Oregon
Mayor Donald Plusquellic, Akron, Ohio
Mayor Peter Porcino, Ardsley, New York
Mayor Stephen P. Pougnet, Palm Springs, California
Mayor Mike Rawlings, Dallas, Texas
Mayor Stephanie Rawlings-Blake, Baltimore, Maryland
Mayor Kasim Reed, Atlanta, Georgia
Mayor Tari Renner, Bloomington, Illinois
Mayor Gary Resnick, Wilton Manors, Florida
Mayor Paul Rickenbach, Jr., Village of East Hampton, New York
Mayor David Rivella, Morrisville, Pennsylvania
Mayor Thomas Roach, White Plains, New York

Mayor Madeline Rogero, Knoxville, Tennessee
Mayor Ron Rordam, Blacksburg, Virginia
Mayor Cindy Rosenthal, Norman, Oklahoma
Mayor Jonathan Rothschild, Tucson, Arizona
Mayor Jesus Ruiz, Socorro, Texas
Mayor Mike Ryan, Sunrise, Florida
Mayor Tim Ryan, Broward County, Florida
Mayor Meghan Sahli-Wells, Culver City, California
Mayor Mary Salas, Chula Vista, California
Mayor Pete Sanchez, Suisun City, California
Mayor Angelo "Skip" Saviano, Elmwood Park, Illinois
Mayor Hillary Schieve, Reno, Nevada
Mayor Timothy Scott, Carlisle, Pennsylvania
Mayor Pedro Segarra, Hartford, Connecticut
Mayor Kathy Sheehan, Albany, New York
Mayor Sarah Sherwood, Abbeville, South Carolina
Mayor John Sibert, Malibu, California
Mayor Scott Silverthorne, Fairfax, Virginia
Mayor Ronald Silvis, Greensburg, Pennsylvania
Mayor Steve Skadron, Aspen, Colorado
Mayor Jeffrey Slavin, Somerset, Maryland
Mayor Francis Slay, St. Louis, Missouri
Mayor Patrick Slayter, Sebastopol, California
Mayor R. Scott Slifka, West Hartford, Connecticut
Mayor Marjorie Sloan, Golden, Colorado
Mayor Paul J. Smith, Jr., Borough of Union Beach, New Jersey Mayor Paul R. Soglin, Madison, Wisconsin
Mayor Jeanne Sorg, Ambler, Pennsylvania
Mayor Mike Spano, Yonkers, New York
Mayor Vaughn Spencer, Reading, Pennsylvania
Mayor Tom Stallard, Woodland, California
Mayor Greg Stanton, Phoenix, Arizona
Mayor Tom Stevens, Hillsborough, North Carolina
Mayor Philip Stoddard, City of South Miami, Florida
Mayor Marilyn Strickland, Tacoma, Washington

Mayor Ron Strouse, Doylestown, Pennsylvania
Mayor Peter Swiderski, Hastings-on-Hudson, New York
Mayor Christopher Taylor, Ann Arbor, Michigan
Mayor Ted Terry, Clarkston, Georgia
Mayor Jack Thomas, Park City, Utah
Mayor James Thomas, Jr., Hinesville, Georgia
Mayor Brian Tobin, Cortland, New York
Mayor Alex Torpey, South Orange, New Jersey
Mayor Nathan Triplett, East Lansing, Michigan
Mayor Zachary Vruwink, Wisconsin Rapids, Wisconsin
Mayor Dayne Walling, Flint, Michigan
Mayor Martin J. Walsh, Boston, Massachusetts
Mayor Setti Warren, Newton, Massachusetts
Mayor Miro Weinberger, Burlington, Vermont
Mayor Georgine Welo, South Euclid, Ohio
Mayor Shelley Welsch, University City, Missouri
Mayor Jason West, New Paltz, New York
Mayor Bob Whalen, Laguna Beach, California
Mayor Nan Whaley, Dayton, Ohio
Mayor Dennis Wilcox, Cleveland Heights, Ohio
Mayor Bruce Williams, Takoma Park, Maryland
Mayor Kenneth Williams, Carbon Cliff, Illinois
Mayor Michael Winkler, Arcata, California
Mayor Aaron Wittnebel, Lake Park, Minnesota
Mayor Ken Wray, Sleepy Hollow, New York
Mayor Dawn Zimmer, City of Hoboken, New Jersey

Los Angeles, California
San Francisco, California
Chicago, Illinois
New York, New York
Arlington, Virginia
Berkeley, California
Boston, Massachusetts

Broward, Florida
Carrboro, North Carolina
Chapel Hill, North Carolina
Cleveland Heights, Ohio
College Park, Maryland
Davis, California
Dayton, Ohio
East Lansing, Michigan
Emsworth, Pennsylvania
Fairfax, California
Irvington, New Jersey
Kansas City, Missouri
Kent, Washington
Laguna Beach, California
Lancaster, Pennsylvania
Long Beach, California
Madison, Wisconsin
Malibu, California
Newburgh, New York
Nyack, New York
Pembroke Pines, Florida
Philadelphia, Pennsylvania
Pleasant Hill, California
Portland, Maine
Princeton, New Jersey
Salem, Massachusetts
Santa Monica, California
Takoma Park, Maryland
Washington, D.C.
West Hollywood, California
Whitehall, Ohio
Wilton Manors, Florida
Ypsilanti, Michigan